

11 FAM 750

RESPONSIBILITIES OF THE ASSISTANT LEGAL ADVISER FOR TREATY AFFAIRS (L/T)

(CT:POL-47; 05-26-2006)
(Office of Origin: INR/I)

11 FAM 751 PREPARATION OF DOCUMENTS, CEREMONIES, AND INSTRUCTIONS

(CT:POL-47; 05-26-2006)

Carrying out and providing advice and assistance respecting the provisions of this chapter is the responsibility of the Assistant Legal Adviser for Treaty Affairs *(L/T)*, who:

- (1)* Reviews all drafts of international agreements, proposals by other governments or international organizations, instructions and position papers, all Circular 175 requests (*see 11 FAM 721*), and accompanying *memoranda* of law;
- (2)* Makes arrangements *for* and/or supervises ceremonies at Washington, *DC* for the signature of treaties or other international agreements; and supervises the preparation of texts of treaties and other agreements to be signed at Washington, *DC*;
- (3)* Supervises preparation of the Secretary of State's reports to the President and the President's messages to the Senate *to transmit* treaties for advice and consent to ratification;
- (4)* Prepares full powers, protocols of exchange, instruments of ratification or adherence, instruments or notifications of acceptance or approval, termination notices, and proclamations with respect to treaties or other international agreements;
- (5)* Makes arrangements for the exchange or deposit of instruments of ratification, deposit of instruments of adherence, the receipt or deposit of instruments or notifications of acceptance or approval, termination notices, *and proclamations* with respect to treaties or other international agreements;

- (6) Prepares instructions to posts abroad and notes to foreign diplomatic missions at Washington, *DC* respecting matters stated in paragraph e;
- (7) *Prepares and signs transmittals* to the Congress *of* all international agreements other than treaties, as required by the *Case-Zablocki Act, 1 U.S.C. 112b* (see 11 FAM 726);
- (8) *Takes appropriate steps required for* the publication and registration of treaties and other international agreements to which the United States is a party, *including making them available on the Department's Internet Web site* (see 11 FAM 727 and 11 FAM 753.3); *and*
- (9) *Consults periodically with Congress on the full range of treaty issues, including matters of treaty priorities for the Administration; significant negotiations; the appropriate form of an international agreement; and the attachment of reservations, understandings, or declarations to treaties before the Senate for its advice and consent.*

11 FAM 752 PREPARING DOCUMENTS FOR SIGNATURE

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- a. After the text of a treaty or other agreement is approved in writing in accordance with 11 FAM 724.7, the document is normally *prepared* at the capital at which it is to be signed.
- b. Adequate time (normally 7 business days) is allowed for the *preparation* (*printing* on treaty paper), comparing, etc., of the treaty or other agreement to be signed, in order to assure sufficient time for the preparation of accurate texts in duplicate for signature, including, in the case of documents to be signed in a foreign language, sufficient time for the Language Services Division to prepare any translations required; check any existing foreign-language draft; and check the *prepared* foreign-language text. *If any question arises as to the time necessary to complete the preparation of texts* at Washington, *DC*, the matter will be referred to the Assistant Legal Adviser for Treaty Affairs (*L/T*).

11 FAM 753 PUBLICATION AND

REGISTRATION

11 FAM 753.1 Publication of Texts

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After the necessary action has been taken to bring into force the treaty or other international agreement concluded by the United States, it is published in the Treaties and Other International Acts Series issued by the Department. After publication in that series, the text of the treaty or other agreement is printed in the annual volume(s) (which may consist of two or more bindings) of United States Treaties and Other International Agreements, as required by law (see 11 FAM 727). Treaties and other agreements concluded prior to January 1, 1950, were published in the United States Statutes at Large and for easy reference were reprinted in Bevans, Treaties and Other International Agreements of the United States of America, 1776-1949.

11 FAM 753.2 Responsibility for Other Treaty Publications

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The Office of the Assistant Legal Adviser for Treaty Affairs (L/T) prepares and maintains the annual publication, Treaties in Force, an authoritative guide to the text and status of treaties and other international agreements currently in force for the United States. It also compiles and has published, in addition to the text referred to in 11 FAM 753.1, other volumes containing texts of treaties and other agreements as required or authorized by law. The "Treaty *Actions*" *information on the Department of State Web site* is compiled by that office.

11 FAM 753.3 Registration

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The Office of the Assistant Legal Adviser for Treaty Affairs (L/T) is responsible for registering U.S. treaties and international agreements:

- (1) Article 102 of the United Nations Charter requires that every treaty and every international agreement entered into by a member of the United Nations be registered, as soon as possible, with the Secretariat and published by it; *and*

- (2) Article 83 of the Chicago Convention *on International Civil Aviation* of 1944 requires *registering* aviation agreements with the Council of the International Civil Aviation Organization.

11 FAM 753.4 United States as Depositary

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- a. Inquiries from foreign diplomatic missions at Washington, *DC* and from U.S. diplomatic missions abroad with respect to the preparation or deposit of instruments relating to any multilateral agreement *for* which the United States is depositary are referred to the *Office of the Assistant Legal Adviser for Treaty Affairs (L/T)*. *Notify L/T immediately when* any such document *is received* anywhere in the Department. *As the depositary office, the Office of the Assistant Legal Adviser for Treaty Affairs (L/T)* is required to ascertain whether those documents are properly executed before accepting them for deposit; to keep accurate records regarding them; and to inform other *concerned* governments of the order and date *it received* such documents.
- b. Before any arrangements are proposed or agreed to for the United States to serve as depositary for any international agreement, *obtain* the views of the Assistant Legal Adviser for Treaty Affairs *(L/T)*.

11 FAM 753.5 Records and Correspondence Custody

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- a. The Assistant Legal Adviser for Treaty Affairs compiles and maintains authoritative records regarding the negotiation, signature, transmission to the Senate, and ratification or approval, as well as the existence, status, and application, of all international agreements to which the United States is or may become a party. Inquiries on these subjects are addressed to, and outgoing communications cleared with, the Office of the Legal Adviser *(L)*.
- b. To insure that the records regarding the matters described in this section are complete and up to date, it is important that all relevant papers be referred to the Office of the Legal Adviser *(L)*.
- c. The Assistant Legal Adviser for Treaty Affairs is responsible for the custody of originals of bilateral agreements and certified copies of multilateral agreements pending entry into force and completion of manuscripts for publication. Following publication, such originals and

certified copies are transferred to the National Archives. The Assistant Legal Adviser for Treaty (L/T) Affairs retains custody of signed originals of multilateral agreements for which the United States is depositary, together with relevant instruments of ratification, adherence, acceptance, or approval, as long as those agreements remain active.

11 FAM 754 THROUGH 759 UNASSIGNED